



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 02/06/2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.9330 of 2023

V.K.Raja

... Petitioner/Sole Accused

Vs

The State rep.by,  
The Inspector of Police,  
Town North Police Station,  
Dindigul District.  
Crime No.80 of 2023.

... Respondent/Complainant

For Petitioner : Mr.S.Selvakumar  
Advocate.

For Respondent : Mr.R.M.Anbunithi,  
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

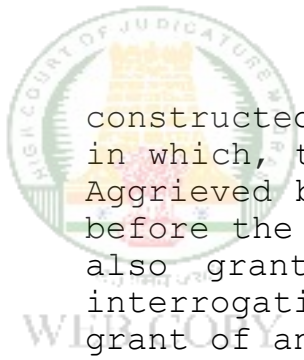
For Anticipatory Bail in Crime No.80 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 468 and 471 of I.P.C., in Crime No.80 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has constructed house at No.66/3/1, Anna Nagar, Dindigul-1, without getting any permission from the Dindigul Corporation, Dindigul and he had encroached the place on the Scheme Road, Dindigul at Ward No.6, Block No.47, Town Survey No.27 and he had fabricated some bogus documents and he had obtained his housing loan by using the said forged documents. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner did not avail any loan on production of any bogus documents. The petitioner has availed loan and thereafter,



constructed a house. However, the writ petition filed by or on behalf of the petitioner, in which, the demolition was ordered. The house had been demolished. Aggrieved by the same, the petitioner has also filed a SLP petition before the Hon'ble Supreme Court. In fact, the Hon'ble Supreme Court also granted an order of status quo. Therefore, the custodial interrogation of the petitioner does not require and he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner has fabricated the patta planning permission, plan and other documents, as if, it was granted by the concerned authority and he had availed loan by using the said fabricated Government seal. Thereafter, he constructed the house. One Kumar filed writ petition in W.P.(MD)No.6778 of 2022, in which, the demolition was ordered. However, the Commissioner of Corporation, Dindigul, did not take any action and as such, the said Kumar filed a Contempt Petition in Cont.P.(MD)No.1052 of 2022 in W.P.(MD)No.6778 of 2022. As per the order of this Court, on 03.01.2022 and 04.01.2022, the entire illegal construction was demolished and the same was reported before this Court. The entire building was constructed only on the strength of the fake documents. So far, the respondent identified only on the petitioner and hence, the custodial interrogation is very much required in this case.

5.Heard. Perused the materials available on record including the First Information Report.

6.It is seen that sofar the petitioner has not been arrested by the respondent police.

7.The learned counsel for the petitioner would further submit that the petitioner also approached the Hon'ble Supreme Court of India and obtained an order of status quo as against the order passed by this Court for demolition of the building. Now half of the building is demolished and half of the building stands in the said property. He would further submit that the petitioner is also ready and willing to comply with the stringent conditions that may be imposed by this Court.

8.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

9.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Dindigul, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who



concerned, failing which, the petition for anticipatory bail stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m. and 05.30 p.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

02/06/2023

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/06/2023

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI

TO

1.THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
DINDIGUL.

3.THE INSPECTOR OF POLICE,  
TOWN NORTH POLICE STATION,  
DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SELVAKUMAR, Advocate ( SR-7968[I] dated 02/06/2023 )  
ORDER

IN

CRL OP(MD) No.9330 of 2023

Date :02/06/2023

RK/BUC/SAR- (06/06/2023) 3P/6C

<https://www.mhc.tn.gov.in/judis>